



*California Environmental Protection Agency
Department of Toxic Substances Control*

**HAZARDOUS WASTE FACILITY
POST-CLOSURE PERMIT**

Permit Number: 03-SAC-006

Facility Name:

John Smith Road Landfill
Class I Area
2650 John Smith Road
Hollister, California 95023

Owner/Operator Name:
City of Hollister

Director of Public Works/
County of San Benito
Integrated Waste Management
3220 Southside Road
Hollister, California 95023

Facility EPA ID No.: CAD990665432

Effective Date:

Expiration Date:

Permit Modification History: Renewal Permit

This permit will replace the previous permit
which had an effective date of June 12, 1996
and an expiration date of June 12, 2006.

Pursuant to section 25200 of the California Health and Safety Code, this Resource Conservation and Recovery Act (RCRA) equivalent Hazardous Waste Facility Post-closure Permit is hereby issued to the City of Hollister and the County of San Benito. Issuance of this Permit, which consists of 14 pages, is subject to all terms and conditions set forth herein.

NOT SIGNED – DRAFT

Chief, Northern California Permits and Corrective
Action Branch
Hazardous Waste Management Program

Date: _____

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PART I. DEFINITIONS

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, Division 20, Chapter 6.5 and Title 22, California Code of Regulations, Division 4.5, unless expressly provided otherwise by this Permit.

1. "DTSC" as used in this Permit means the California Department of Toxic Substances Control.
2. "Permittee" as used in this Permit means the Owner and Operator.
3. "HSC" as used in this Permit means the Health and Safety Code.
4. "Cal. Code of Regs." as used in this Permit means the California Code of Regulations.
5. "Approved Application" as used in this Permit means the Part A and Part B portions of the permit application described in Part III.1 of this Permit.
6. Unless explicitly stated otherwise, all references to items in this Permit shall refer only to items occurring within the same part.

PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP

1. OWNER

The Facility owner is the City of Hollister, Director of Public Works, c/o 3220 Southside Road, Hollister, California 95023 (hereafter "Owner").

2. OPERATOR

The Facility operator is the City of Hollister, Director of Public Works, and the County of San Benito, Integrated Waste Management 3220 Southside Road, Hollister, California 95023 (hereafter "Operator").

3. LOCATION

The John Smith Road Landfill is located in San Benito County, approximately five miles southeast of Hollister. Site access is from 2650 John Smith Road found on Location Map, which is the same as Figure 1 of the Part A portion of the Approved Application (DTSC Attachment 1). The entire site encompasses 65 acres. The John Smith Road Landfill Class I Hazardous Waste Management Facility (HWMF) is identified as Assessor Parcel Number 25-19-50 and is located in Sections 4, 5, 8, and 9 Township 13S, Range 6E, Mount Diablo Baseline and Meridian.

4. DESCRIPTION

The John Smith Road Landfill (JSRL) consists of two waste management units; the closed Class I HWMF surface impoundments and the operating Class III municipal solid waste landfill. The John Smith Road Landfill HWMF is a closed class I hazardous waste disposal site that occupies approximately 8 acres and received wastes between 1968 and 1983. The operating Class III municipal solid waste landfill consists of 57 acres.

During operation, the John Smith Road Landfill HWMF primarily received pesticide rinse water into two surface impoundments which are less than one half acre in size each. Impoundment One received the liquid waste and Impoundment Two served as overflow protection during storm events. In 1984, liquids from the site surface impoundments were removed. Hydrogeologic investigations determined that approximately one foot of waste residue was left in Impoundment One. An interim geomembrane cover was placed over the waste residue in 1988. The Closure Plan was approved by the Department of Toxic Substances Control (DTSC) in 1992, with the waste residue remaining in the HWMF. The HWMF completed closure in 1993. The closure activities included installation of cover system, construction of surface water drainage ditches and erosion control measures, and hydraulic containment of releases to groundwater from the municipal waste landfill with off site treatment.

A postclosure permit application was submitted to DTSC in August 1993. The postclosure permit was issued in June 1996. The postclosure permit outlines the procedures to fulfill the regulatory requirements, which consist of three primary functions: (1) Maintenance and operation of closure structures and treatment systems, (2) environmental monitoring, and (3) maintenance of financial mechanisms to fund the post-closure activities.

In addition, soil and an additional cap will be placed over a portion of the HWMF in order to maintain adequate surface drainage as a result of the adjacent solid/municipal waste (Class III) landfill expansion. The owner/operator has submitted design drawings and technical specifications and construction quality assurance and monitoring procedures for placing the additional soil and cap which are included as part of the approved application. Based on data collected from the groundwater monitoring program there is no evidence of releases from the HWMF portion of the John Smith Road Landfill Facility.

The final closure plan for the HWMF can be found in the *Closure Plan for the Class I Area, John Smith Road Disposal Site*, (Emcon, 1989) and is included in the approved application.

5. FACILITY SIZE AND TYPE FOR FEES

The Facility is categorized as a medium postclosure facility for purposes of HSC, section 25205.19. For the purpose of HSC, section 25205.4, the postclosure period for the HWMF at the Facility shall be deemed to have started in 1993, when Closure certification was accepted by DTSC.

PART III. GENERAL CONDITIONS

1. PERMIT APPLICATION DOCUMENTS

Hazardous Waste Permit Application, Part A and Part B, dated May 1, 2003 (Permit Application), consisting of two volumes, are hereby approved and made a part of this Permit by reference (hereafter "Approved Application").

2. EFFECT OF PERMIT

- (a) The Permittee shall comply with the provisions of the California Health and Safety Code, and Division 4.5 of Title 22, California Code of Regulations (Title 22, Cal. Code Regs.). The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including but not limited to, the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the postclosure facility.
- (b) The Permittee is permitted to monitor and maintain the postclosure Facility in accordance with the conditions of this Permit and the Approved Application. Any treatment or storage of hazardous wastes not specifically authorized in this Permit or described in the Approved Application is strictly prohibited.
- (c) Compliance with the terms of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.
- (d) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee. Failure to comply with any term or condition set forth in this Permit in the time or manner specified herein will subject the Permittee to possible enforcement action including but not limited to penalties pursuant to HSC section 25187.
- (f) In addition, failure to submit any information required in connection with this Permit, or falsification and/or misrepresentation of any submitted information, is grounds for revocation of this Permit (Title 22, Cal. Code of Regs., section 66270.43).
- (g) In case of conflicts between the Approved Application and this Permit, the Permit conditions take precedence.
- (h) This Permit includes and incorporates by reference any conditions of waste discharge requirements issued to the Facility by the State Water Resources Control Board or the California Regional Water

Quality Control Board, Central Coast Region, and any conditions imposed pursuant to section 13227 of the Water Code.

3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

A Notice of Exemption has been prepared by DTSC in accordance with the requirements of Public Resources Code section 21000 et seq. and the California Environmental Quality Act Guidelines, which are codified in Title 14, Cal. Code of Regs., section 15070 et seq.

4. ENVIRONMENTAL MONITORING

(a) For the purpose of Title 22, Cal. Code of Regs., section 66264.91(b), the elements of the Groundwater Monitoring and Response Program for the John Smith Road Landfill are described in Sections 2.1.1 and 2.1.4 of the approved Site-Specific Water Quality Monitoring Plan (Monitoring Plan), which is contained in the Approved Application.

(b) For the purpose of Title 22, Cal. Code of Regs., section 66264.92, the Water Quality Protection Standard for the John Smith Road Landfill is described in Sections 2.1.1, 2.1.4, 4.1, 4.3, and 7 of the approved Monitoring Plan.

(c) For the purpose of Title 22, Cal. Code of Regs., section 66264.93, the Monitoring Parameters and Constituents of Concern for the John Smith Road Landfill are described in Sections 4.1 and 4.3 of the approved Monitoring Plan.

(d) For the purpose of Title 22, Cal. Code of Regs., section 66264.94, the Concentration Limits for the John Smith Road Landfill are described in Section 7 of the approved Monitoring Plan.

(e) For the purpose of Title 22, Cal. Code of Regs., section 66264.95, the Monitoring Points and Points of Compliance for each regulated unit at the John Smith Road Landfill are described in Sections 2.1.1, 2.1.4, and 8 of the approved Monitoring Plan.

(f) For the purpose of Title 22, Cal. Code of Regs., section 66264.96, the Compliance Period for the Class I area at the John Smith Road Landfill shall be a minimum of 30 years and the Compliance Period for the Class III Area at the John Smith Road Landfill shall be as long as the waste poses a threat to water quality.

(g) For the purpose of Title 22, Cal. Code of Regs., section 66264.97(e)(7), the statistical methods for evaluating water quality monitoring data at the John Smith Road Landfill are described in Section 9 of the approved Monitoring Plan.

- (h) For the purpose of Title 22, Cal. Code of Regs., section 66264.97(e)(9)(E), the limits of precision and accuracy for routine laboratory operation conditions at the John Smith Road Landfill are described in Section 11 of the approved Monitoring Plan.
- (i) For the purpose of Title 22, Cal. Code of Regs., section 66264.97(e) (11), the background values for each Constituent of Concern and Monitoring Parameter at the John Smith Road Landfill are described in Section 9 of the approved Monitoring Plan.
- (j) For the purpose of Title 22, Cal. Code of Regs., section 66264.97(e)(12), sampling methods for the John Smith Road Landfill are described in Sections 2.1.1, 2.1.4, 6, and 10 of the approved Monitoring Plan.
- (k) For the purpose of Title 22, Cal. Code of Regs., section 66264.97(e)(16), submittal of water quality monitoring data for the John Smith Road Landfill is described in Section 12 of the approved Monitoring Plan.
- (l) For the purpose of Title 22, Cal. Code of Regs., section 66264.98(g) the frequencies and locations for monitoring at the John Smith Road Landfill are described in Sections 2.1.1 and 6 of the approved Monitoring Plan.
- (m) For the purpose of Title 22, Cal. Code of Regs., section 66264.98(i)(2), the period of time for responding to statistically significant evidence of a release for the John Smith Road Landfill is described in Section 9.5 of the approved Monitoring Plan.
- (n) For the purpose of Title 22, Cal. Code of Regs., section 66270.31, the monitoring, recording, and reporting program for the John Smith Road Landfill is described in Sections 2.1.1, 2.1.4, 6, 10, and 12 of the approved Monitoring Plan.

5. WASTE MINIMIZATION CERTIFICATION

Pursuant to HSC, section 25202.9, the Permittee shall certify annually, by March 1 for the previous year ending December 31, that:

- (a) The Facility has a program in place to reduce the volume and toxicity of all hazardous wastes that are generated by the Facility operations to the degree, determined by the Permittee, to be economically practicable.
- (b) The method of storage or treatment is the only practicable method or combination of methods currently available to the Facility which minimizes the present and future threat to human health and the environment.

The Permittee shall make this certification, in accordance with Title 22, Cal. Code of Regs., section 66270.11. The Permittee shall submit the certification to the Department of Toxic Substances Control, Land Disposal Branch, 8800 Cal Center Drive, Sacramento, California 95826 and shall record and maintain onsite such certification in the Facility Operating Record.

6. WASTE MINIMIZATION CONDITIONS

(a) The Permittee shall comply with the Hazardous Waste Source Reduction and Management Review Act (SB 14) requirements that are specified in HSC, sections 25244.19, 25244.20 and 25244.21, and any subsequent applicable statutes or regulations promulgated thereunder. This would include submittal of SB 14 documents to DTSC upon request.

(b) DTSC may require the Permittee to submit a more detailed status report explaining any deviation from, or changes to, the waste minimization plan.

7. CONDITIONS APPLICABLE TO ALL PERMITS

Title 22, Cal. Code of Regs., section 66270.30, Conditions Applicable to All Permits, is incorporated by this reference.

8. MODIFICATIONS

(a) The Permittee must request and obtain a permit modification to revise any portion of this Permit. To request such a revision, the Permittee shall comply with the procedures for permit modifications set forth in Title 22, Cal. Code Regs., section 66270.42.

(b) If at any time DTSC determines that modification of any part of this Permit is necessary, DTSC may initiate a modification in accordance with the procedures in Title 22, Cal. Code Regs., section 66270.41.

PART IV. PERMITTED UNITS AND ACTIVITIES

For the purpose of Title 22, Cal. Code of Regs., section 66270.1(c) and other similar, unit specific regulatory requirements, the John Smith Road Landfill has one Hazardous Waste Management Unit subject to the postclosure permit requirement. This unit is described in detail in the Approved Application, dated May 1, 2003, as follows:

1. The John Smith Road Landfill Hazardous Waste Management Facility, consisting two surface impoundments, the groundwater monitoring system, and the entire Class I cover and drainage system.

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PART V. SPECIAL CONDITIONS

1. Prior to placement of the additional cover on the HWMF, as described in the Approved Application, the county shall provide verification that the proposed survey for kit fox habitat has been completed. In addition, the Permittee must determine that either 1.) no habitat was present or 2.) adequate mitigation, to the satisfaction of the California Department of Fish and Game, has been provided. This condition is pursuant to the mitigation measure in the July 2001 Mitigated Negative Declaration prepared by the County of San Benito.

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PART VI. CORRECTIVE ACTION

The Central Coast Regional Water Quality Control Board is lead agency for corrective action at the John Smith Road Landfill. However, at this time the existing Waste Discharge Requirements (WDRs) for the Facility do not specifically address a corrective action program for the releases found at the Facility associated with the Class III area. Until the existing WDRs are amended or new WDRs are adopted to adequately address corrective action, the Permittee shall be required to conduct the following:

- 1) The Permittee shall establish, operate, and maintain a groundwater corrective action program for the Class III municipal waste solid waste landfill that complies with California Code of Regulations, title 22, section 66264.100 as follows:
 - The Permittee shall maintain hydraulic control of the groundwater contaminant plume;
 - The Permittee shall prevent further off-site migration of contaminated groundwater;
 - The Permittee shall reduce contaminant concentrations in groundwater to concentrations below the concentration limits;
 - The Permittee shall establish measurable criteria with which to identify the performance of the corrective action program. The Permittee shall use the measurable criteria to demonstrate hydraulic containment, plume stability, and decreasing groundwater contaminant concentrations. The Permittee shall make this demonstration in each semiannual report required under Monitoring and Reporting Program No. R3-2002-0001;
 - The Permittee shall continue the corrective action program until the Facility demonstrates to DTSC's satisfaction that the water quality protection standard is achieved at the point of compliance for a period of at least one year.
 - After completion of the corrective action program, the Facility shall submit an application for a permit modification to establish a detection monitoring program meeting the requirements of California Code of Regulations, title 22, section 66264.98.

2. POTENTIAL OR IMMEDIATE THREATS/NEWLY IDENTIFIED RELEASES/ NEWLY IDENTIFIED SWMUs

(a) In the event the Permittee identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous constituents, or discovers new Solid Waste Management Units (SWMUs) not previously identified, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within ten (10) days of such discovery summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment. Newly identified hazardous constituents discovered during routine groundwater sampling shall be reported in accordance the reporting provisions of the approved SAP.

(b) DTSC may require the Permittee to investigate, mitigate and/or take other applicable action to address any immediate or potential threats to human health and/or the environment, SWMUs, or newly identified releases of hazardous waste and/or hazardous constituents. Corrective action shall be carried out under either a Corrective Action Consent Agreement or Unilateral Corrective Action Order pursuant to HSC, section 25187.

2. SAMPLING AND ACCESS

(a) Sampling

(1) The Permittee shall provide confirmatory samples to DTSC within the time requested by DTSC to determine if there is a threat to human health and/or the environment. The sampling shall be done in accordance with guidance that DTSC supplies to the Permittee.

(2) The Permittee shall notify DTSC in writing at least fourteen (14) days prior to beginning any confirmatory sampling requested by DTSC. If the Permittee believes it must commence emergency confirmatory sampling without delay, the Permittee may seek emergency telephone authorization from DTSC's Land Disposal Branch Chief or, if unavailable, his/her designee to commence such activities immediately. At the request of DTSC, the Permittee shall provide or allow DTSC or its authorized representative to take split or duplicate samples of all samples collected by the Permittee pursuant to this Part of this Permit.

(3) The Permittee shall submit to DTSC upon request the results of all sampling and/or tests or other data generated by its employees, divisions, agents, consultants or contractors pursuant to this Permit.

(4) Notwithstanding any other provisions of this Permit, DTSC retains all information gathering and inspection authority rights including enforcement actions related thereto, under HSC and any other applicable state or federal statutes or regulations.

(b) Access

(1) DTSC, its contractors, employees, agents, and/or any U.S. EPA representatives are authorized to enter and freely move about the Facility pursuant to the entire Permit for the purposes of: interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of this Permit; conducting such test, sampling, or monitoring as DTSC deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to DTSC by the Permittee; or confirming any other aspect of compliance with this Permit and Division 20, Chapter 6.5 of the H&SC. The Permittee shall provide DTSC and its representatives access at all reasonable times to the Permittee's Facility and any other property to which access is required for implementation of any provision of this Permit and any provision of Division 20, Chapter 6.5 of the H&SC and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Permit or undertake any other activity necessary to determine compliance with applicable requirements. DTSC acknowledges that the Smith Road Landfill Class I HWMF area is not manned 24-hours a day. DTSC will provide reasonable notice when requiring access to the site.

(2) To the extent that work being performed pursuant to this Part of this Permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access agreements necessary to complete work required by this Part from the present owner(s) or operator of such property within ninety (90) days of approval of any workplan for which access is required. "Best efforts" as used in this paragraph shall include, at a minimum, a certified letter from the Permittee to the present owner(s) of such property requesting access agreement(s) to allow the Permittee and DTSC and its authorized representatives access to such property and the payment of reasonable sums of money in consideration of granting access. The Permittee shall provide DTSC with a copy of any access agreement(s). In the event that agreements for the access are not obtained within ninety (90) days of approval of any workplan for which access is required, or of the date that the need for access becomes known to the Permittee, the Permittee shall notify DTSC in writing within fourteen (14) days thereafter regarding both efforts undertaken to obtain access and its failure to obtain such agreements. In the event DTSC obtains access, the Permittee shall undertake approved work on such property.

(3) Nothing in this Permit shall be construed to limit or otherwise affect the Permittee's liability and obligation to perform corrective action including corrective action beyond the Facility boundary, notwithstanding the lack of access. DTSC may determine that additional on-site measures must be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.

(4) Nothing in this Permit shall limit or otherwise affect DTSC's right to access and entry pursuant to any applicable state or federal laws and regulations